



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Berry et al.

**Serial No.:** 09/497,422

**Filed:** February 3, 2000

**For:** STABLE NON-AQUEOUS SINGLE  
PHASE VISCOUS VEHICLES AND  
FORMULATIONS UTILIZING SUCH  
VEHICLES

**Confirmation No.:** 7482

**Examiner:** B. Fubara

**Group Art Unit:** 1618

**Attorney Docket No.:** 3139-6169US  
(ARC2914 US R1)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 1, 2006  
Date

Signature

Shawnee MacDonald  
Name (Type/Print)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of any cited foreign patents, publications, or pending unpublished U.S. applications are enclosed pursuant to 37 C.F.R. § 1.98(a)(2).

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In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

#### U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
US - 4,078,060	03/1978	Benson et al.
US - 5,371,089	12/06/1994	Rattan
US - 5,668,170	09/1997	Gyory
US - 5,747,058	05/05/1998	Tipton et al.

#### Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
EP 0 265 848	09/25/1991	Lahr et al.
WO 98/27960	07/02/1998	Goodman et al.

#### Other Documents

ANSEL et al., "Seventh Ed., Pharmaceutical Dosage Forms and Drug Delivery Systems,"

Lippincott Williams & Wilkins (date unknown) pp. 88-90.

CAS RN 56-81-5, 16 November 1984.

Int J Radiat Biol 1995 Jan; 67(1):57-64.

J Toxicol Sci 1993 Aug; 18 Supp 3:1-9.

"Modified-Release Dosage Forms and Drug Delivery Systems," (date unknown), pp. 229, 236, 242 & 243.

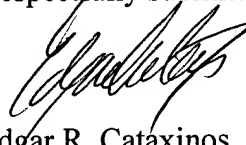
Transplantation 1989 Oct; 48(4):554-8.

Applicants offer to supply any explanation or discussion of the documents which the Examiner feels is necessary or desirable and which is requested.

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits.

The Commissioner is authorized to charge TraskBritt's Deposit Account 20-1469 for the fee pursuant to 37 C.F.R. § 1.17(p).

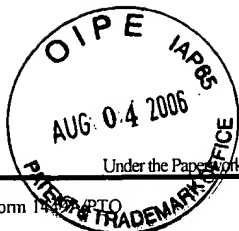
Respectfully submitted,



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Date: August  
ERC/dlm:slm  
Enclosures: Form PTO-1449 or PTO/SB/08  
Copy of non-US documents cited

Document in ProLaw



PTO/SB/08A (10-01)

Approved for use through 10/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449, PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 1 of 2

**Complete if Known**

Application Number	09/497,422
Filing Date	February 3, 2000
First Named Inventor	Berry et al.
Group Art Unit	1618
Examiner Name	B. Fubara
Attorney Docket Number	3139-6169US (ARC 2914 US R1)

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-4,078,060	03/1978	Benson et al.	
		US - 5,371,089	12/06/1994	Rattan	
		US- 5,668,170	09/1997	Gyory	
		US- 5,747,058	05/05/1998	Tipton et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		EP 0 265 848	09/25/1991	Lahr et al.		X
		WO 98/27960	07/02/1998	Goodman et al.		

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

2

of

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**Complete if Known**

Application Number

09/497,422

Filing Date

February 3, 2000

First Named Inventor

Berry et al.

Group Art Unit

1618

Examiner Name

B. Fubara

Attorney Docket Number

3139-6169LIS (ARC 2914 LIS R1)

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		ANSEL et al., "Seventh Ed., Pharmaceutical Dosage Forms and Drug Delivery Systems," Lippincott Williams & Wilkins (date unknown) pp. 88-90.	
		CAS RN 56-81-5, 16 November 1984.	
		Int J Radiat Biol 1995 Jan; 67(1):57-64.	
		J Toxicol Sci 1993 Aug; 18 Supp 3:1-9.	
		"Modified-Release Dosage Forms and Drug Delivery Systems," (date unknown), pp. 229, 236, 242 & 243.	
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